

# R U L E S

of the

## United States District Court

Southern District of Ohio

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Prepared and formulated by the Judges of the United States District Court, Southern District of Ohio and the Federal Court Committee of the Columbus Bar Association. Approved by the Court and filed in the District Clerk's offices in Cincinnati, Dayton, and Columbus. The rules were effective March 1, 1950.

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**United States District Court**  
**Southern District of Ohio**

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**RULE 1**

**Terms:**

Regular terms at Cincinnati, in the Western Division, commence on the first Tuesday of April and October; at Dayton, in the Western Division, on the first Monday of May and November; at Columbus, in the Eastern Division, on the first Tuesday of June and December; and at Steubenville, in the Eastern Division, on the second Tuesday of March and September.

**RULE 2**

**Place To File Suit:**

Civil suits brought against residents of the Counties of Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Lawrence, Scioto and Warren, in the Western Division, shall be filed at Cincinnati.

Civil suits brought against residents of the Counties of Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, and Shelby, in the Western Division, shall be filed at Dayton.

Civil suits brought against residents of the Eastern Division shall be filed at Columbus.

**RULE 3**

**Admission To Bar:**

1. Admission to the bar of this court shall be in open court, and upon certificate which shall be signed by the

standing committee appointed by the court or the respective judges thereof.

2. The Committee at Cincinnati will meet applicants at the clerk's office at 2:30 P.M. on the day preceding the first Tuesday of April and October. It does not meet for examination at any other time.

3. The committee at Columbus will meet applicants at the clerk's office at 10:00 A.M. on the first Tuesdays of June and December. It does not meet for examination at any other time.

4. The committee at Dayton will meet applicants at the clerk's office at 10:30 A.M. on the first Mondays of May and November. It does not meet for examination at any other time.

5. The Committee at Steubenville will meet applicants at the clerk's office at 10:00 A.M., on the second Tuesdays of March and September. It does not meet for examination at any other time.

6. No applicant will be admitted unless he presents satisfactory evidence by certificate of his good standing and moral character, of his admission to the bar of the court of last resort in some one of the States at least one year prior to his examination, and that during that time he has continued in active practice.

7. The Committee is required to examine applicants as to the jurisdiction of the Federal Courts, removal of causes from the State Courts, the rules of civil procedure, and the rules of this court.

8. If any applicant who is counsel in any matter pending in either court is not qualified by time of practice in the State courts, or desires examination at any other time, he may apply to the judge for special permission to appear in such matter, or for such order for special examination, as the judge may see fit to make.

9. All candidates for admission to the bar of this court shall file an application on the form provided by the clerk in the office of the clerk of this court, at least thirty (30) days prior to the time at which they expect to present themselves for examination.

10. No candidate shall be eligible for examination unless he presents himself for such examination within one (1) year subsequent to the filing of his application; provided, however, that he may file a new application conformable to the provisions of this rule.

11. If admitted, he shall take and subscribe to the prescribed oath.

12. Any person hereafter admitted to the Bar of this Court, upon admission, shall pay the fees required by law to be paid, to the Clerk. In addition to the foregoing fees, every person hereafter admitted to the Bar of this Court at Columbus, Ohio, shall, upon an order to that effect entered in writing by the Judge then presiding in the Court at Columbus, Ohio, pay to the person designated by said Judge in said Order, as Librarian, the sum of \$10.00 for the maintenance of a library at Columbus, Ohio, and thereafter such person shall be permitted to use the library in Columbus, Ohio, for all proper purposes.

The Librarian above referred to shall serve without compensation and at the will of the appointing Judge. Upon entering upon his duties, the Librarian shall give a bond in the sum of \$1000.00 to be provided by a surety company, the premium for said bond to be paid out of the funds in his hands as Librarian.

Annually, between the first and 31st day of July, said Librarian shall file with the Clerk of the District Court at Columbus, Ohio, a report of his receipts and disbursements during the preceding year, up to and including June 30.

#### **RULE 4**

##### **Designation Of Local Counsel:**

Whenever a party to a cause is represented only by counsel not residing within the district, such counsel shall designate by writing filed in the cause, some member of the Bar of this court residing in the district upon whom notices and papers may be served.

**RULE 5****Filing Fees and Security for Costs:**

1. The parties instituting any civil action, suit or proceeding in this Court, whether by original process, removal or otherwise, shall be required to pay to the Clerk a filing fee of \$15.00, except that on application for a writ of habeas corpus the filing fee shall be \$5.00. (Said fees shall be paid in cash, by postal money order or by check, such check to be certified if required by the Clerk.)

2. Parties instituting civil suits in this Court shall be required to deposit with the United States Marshal for the Southern District of Ohio, the sum of \$35.00 (in cash, money order or check, such check to be certified if required by the Marshal) as security for costs before or at the commencement of any such suit by them; and the party by whom any cause shall be removed from a State Court into this Court shall be required to comply with this rule at or before the docketing of such case in this Court, such deposit to be held and applied to the payment of costs; and such deposit shall be increased from time to time as costs accrue and the necessities of the case require it.

**Provided,** that the foregoing shall not be so construed as to prevent the court from making such special rule or order as to giving of security for costs as right and justice may require in any particular case or cases.

**RULE 6****Pleadings And Other Papers:**

The complaint filed upon commencement of the action, and all other pleadings, shall be offered for filing without folding, suitable for flat filing system, and, except as to original documents attached or offered as exhibits, shall be prepared upon legal cap size bond paper.

In statutory three judge cases sufficient original type-written or printed copies of each pleading shall be furnished for the use of each member of the court.

All papers presented for filing shall contain after the caption the name or nature of the paper in sufficient detail for identification.

Proof of service of all pleadings and other papers required or permitted to be served, other than those for which a method or proof of service is described in the Federal Rules of Civil Procedure, may be by written acknowledgment of service, by affidavit of the person making the service, or by written representation of counsel.

Originals of papers or pleadings in cases in this court shall not be permitted to be withdrawn from the files unless by order of court, except for preparation of record on appeal, and the court may, in its discretion, prohibit any original papers or documents being taken from the files for such purpose of preparing appeal record, and may require that copies of such original papers and documents be made for that purpose. Any party to a cause, or his counsel, shall be permitted to make, in the clerk's office, additional copies of any pleadings or records on file.

## **RULE 7**

### **Motion And Motion Days:**

1. There shall be filed with each motion a brief statement of the grounds of same, with citations of authorities relied upon, and failure so to do shall be good ground for striking the motion from the files as for want of prosecution.

2. Motions and other miscellaneous matters will be heard at Cincinnati on the second and fourth Mondays of each month, at 2:00 P.M. o'clock; at Columbus, on the second Friday of each month, at 10:00 o'clock A.M.; at Dayton, on the first Monday of each month, at 10:30 A.M. excepting during the months of July and August. Such hearings may be omitted on the dates thereof

changed by the judge presiding in the respective courts in his discretion and as necessity may warrant. Any Judge may, within any Division, to expedite business, make provisions by rule or Order for the submission of motions pursuant to the authority of Rule 78 of the Rules of Civil Procedure.

A written motion, other than one which may be heard ex parte, notice of which and the hearing thereof is required to be served under Rule 6 (d) of the Rules of Civil Procedure, will not be placed on the motion calendar unless proof of such notice is filed in the clerk's office at least 2 days before the date of hearing, unless otherwise ordered by the court.

#### **RULE 8**

##### **Discontinuances:**

1. Cases which have been on the docket for one year without any proceedings taken therein, shall be dismissed as of course, without prejudice, for want of prosecution, unless good cause be shown to the contrary.

#### **RULE 9**

##### **Calendar And Notices For Trial:**

1. Civil cases will not be placed upon the trial calendar unless at issue and noticed for trial, excepting that cases falling within Rule 8 shall be placed upon the calendar for purposes of call on the first day of each term of Court.

2. Notices for trial shall be in writing and served upon counsel, and filed with the clerk not less than 20 days before the beginning of the term.

3. Civil cases coming to issue during any term or after the expiration of time for filing notice for trial may, upon motion and notice and at the discretion of the court, be placed on the trial docket or calendar.

4. Cases noticed for trial before or during the term will be tried, as near as may be, in the order in which

they appear upon the trial calendar. Whenever the court deems it necessary cases shall be tried in their numerical order. Upon the call of the calendar at the opening of the term counsel shall advise the court of the probable estimated length of trial and present reasons, if any, for delay or continuance. Counsel must be ready for trial of cases notices for trial and appearing at the head of the docket.

## **RULE 10**

### **Pre-Trial:**

1. On the first Monday of each month, the clerk shall prepare for any judge who shall so order, a pre-trial calendar. Upon this calendar the clerk shall place for pre-trial procedure such cases as may have been designated for such procedure by the Judge, or by the parties to such actions. When a case is directed to be placed upon such calendar by the Judge, on his own motion, the clerk shall give five days' notice to the attorneys for the parties, designating which of the matters specified in Rule 16 of the Federal Rules of Civil Procedure it is desired to consider. When a case is placed on the pre-trial calendar upon motion of the parties, the party making the motion shall give written notice as required by this rule. The written notice, shall, in addition, specify distinctly the matters which it is desired to consider. Both jury and non-jury actions may be placed upon such calendar for the purpose of pre-trial procedure.

## **RULE 11**

### **A.**

### **Trial Briefs:**

1. When ordered by the Court or a judge thereof so to do, in any case, counsel for litigants before this Court shall supply the Court or the Judge with adequate trial briefs.

2. It shall not be necessary to serve such trial briefs or copies thereof upon opposing counsel and such trial

briefs shall be for the sole use of the Court and shall not become part of the papers in the case.

**B.**

Trial briefs shall contain:

1. A concise statement of the case.
2. A statement of the propositions of law upon which counsel expects to rely, together with citations of authorities in support thereof, quoting pertinent excerpts from such authorities and stating the source by volume and page. (The Court prefers to have counsel rely upon cases decided by the Supreme Court of the United States, the Court of Appeals for the Sixth Circuit, and/or the Supreme Court of Ohio, whenever possible).

**RULE 12**

**References and Citations:**

1. All pleadings and briefs containing references to statutes or regulations shall cite the United States Code, the Ohio General Code or have attached thereto a copy of the statute or regulation.
2. In citing authorities the court prefers that counsel rely upon cases decided by the Supreme Court of the United States and the Circuit Court of Appeals for the Sixth Circuit and the Supreme Court of Ohio when the laws of the state are in issue.
3. If unreported cases are cited, complete copies of the opinions therein shall be attached to the briefs and copies of such opinions simultaneously furnished opposing counsel whether or not briefs are to be served upon opposing counsel.

**RULE 13**

**Findings Of Fact And Conclusions Of Law:**

In any civil cause tried to the court without a jury the court may in its discretion require from any or all of

the parties, either before or after the announcement of its decision, proposed findings of fact and conclusions of law; but only such proposed findings of fact and conclusions of law, if any, as are adopted by the court shall form part of the record.

#### **RULE 14**

##### **Examination Of Witnesses:**

Except with the consent of the court, only one counsel on each side will be permitted to take part in the examination of a witness in any trial or proceeding before the court.

#### **RULE 15**

##### **Witnesses:**

The fees and mileage of witnesses shall be paid by the party on whose behalf the witness was subpoenaed, and upon the filing of proof of such payment, by affidavit filed in the case, such costs shall be taxed and form part of the judgment in the case. Such fees and mileage shall not be taxed unless paid by the parties and proof thereof filed with the clerk within ten days after judgment in the case, as provided for in Sec. 1924, Title 28, U.S. Code.

#### **RULE 16**

##### **Depositions:**

1. The fees of officers taking and certifying depositions to be used in this court shall be paid by the party on whose behalf such depositions are taken, and upon the filing of proof of such payment shall be taxed in the costs and form a part of the judgment in the case. Such fees will not be taxed unless paid by the parties and proof thereof filed with the clerk within 10 days after judgment.

2. When a deposition has been filed in any cause, it shall, except in cases in which an Act of Congress or the rules of Civil Procedure prescribes a different rule, be

opened by the clerk upon the order of the court or the request of either party to the cause in which the deposition was taken, or their counsel, and such request, its date and for whom opened or the date of the order of the court, shall thereupon be indorsed by the clerk upon the wrapper or envelope containing the deposition, and such wrapper or envelope shall be attached to and be preserved with the deposition.

3. Depositions on file shall not be withdrawn without leave of court.

### **RULE 17**

#### **Models, Exhibits, Etc.:**

Models, diagrams, material or other form of exhibit, constituting part of the evidence in any cause pending in this court, or used or intended to be used upon trial, hearing or argument of any such cause, shall be placed in the custody of the clerk of this court, who shall be responsible for the same; and thereafter said models, diagrams, material or other form of exhibit shall be produced by the clerk for use in the court room upon trial, hearing or argument of such cause, at the request of the court, or at the request of counsel for either party to the cause to which the same relate.

All such models, diagrams and exhibits filed or placed in the hands of the clerk must be taken away by the parties within four months after the judgment becomes final. When this is not done, it shall be the duty of the clerk to notify the counsel in the case, by mail or otherwise, of the requirements of this rule, and, if the articles are not removed within a reasonable time after such notice is given, they shall be disposed of as the court may direct, without further notice.

All models, diagrams and exhibits that are marked as exhibits during trial, whether for identification only or in evidence, may be left in the custody of the official court reporters during the trial and for such time thereafter as the court may direct and thereafter by order of the court returned to the clerk by the court reporter.

**RULE 18****Bonds:**

In all cases, civil and criminal, the clerk shall accept as surety upon bail bonds and other undertakings an authorized surety company or two individual personal sureties resident within the district who shall not be attorneys or other officers of this Court. Cash bonds shall not be accepted by the clerk unless authorized by a judge. In the event of personal sureties, the two personal sureties shall each qualify as the owner of real estate within the district of the full net value of twice the face of the bond. Professional bondsmen will not be accepted.

**RULE 19****Bond On Removal From State Court:**

The bond accompanying a petition for removal of a civil action brought in a State court to this court shall be in a sum not less than \$250.00, with good and sufficient surety to the satisfaction of the clerk.

**RULE 20****Final Record:**

Final record shall not be made in any case unless requested by a party or directed by the court. When final record is requested by a party, such party shall pay the cost thereof; and where a record is directed by the court, the cost thereof shall be taxed as ordered by the court.

**RULE 21****Journal Entries And Orders:**

1. In cases in which the form of the judgment to be entered must be settled or approved by the court the counsel for the party in whose favor the decision is rendered or announced shall within 5 days thereafter prepare the proper journal entry and submit it to counsel for the adverse party who shall approve or reject the

same within 3 days after the receipt thereof endorsing thereon his approval or rejection. When approved by counsel, it shall be handed to the clerk.

If counsel are unable to agree on the entry, each party shall prepare and submit to the clerk within 10 days after the decision is rendered or announced his version of the appropriate entry together with a brief statement of his reasons for the draft of the entry which he proposes. The clerk shall thereupon submit the matter to the judge who will direct what entry shall be made.

2. Upon failure to comply with this rule the court may order the clerk to make the proper entry.

## **RULE 22**

### **Depository For Funds:**

The First National Bank of Cincinnati, Ohio, is hereby designated as the depository for all funds paid into the registry of the court in accordance with law, and all funds so deposited shall only be withdrawn by order of the court, on check of the clerk, and the clerk shall keep a record and account of all moneys so paid into or from the registry of the court.

## **RULE 23**

### **Record On Appeal:**

The appellant shall cause a transcript of the record on appeal to be prepared in the form and style required at the time by the rules of the United States Court of Appeals for the Sixth Circuit, and shall deliver to the clerk of this Court for certification one copy thereof, if printed, and two copies if typewritten.

The clerk shall, on application of the appellant, deliver to him, or his counsel, for such purpose, all original pleadings, orders, testimony and other papers filed in the case as may be requested, and shall also furnish therewith copies of all orders entered on the journal of the court which may not be in the files in the case. A receipt stat-

ing separately each filed paper, shall be given to the clerk by the person or persons to whom they are delivered, and all papers taken from the clerk and for which a receipt is given, shall be carefully preserved and returned to the clerk at the time the transcript is presented for certification.

Upon presentation of a printed copy, or two typewritten copies, of the record of the clerk by counsel for the appellant, such counsel shall file a certificate to the effect that said record contains a true, full and complete transcript of the original pleadings, orders, testimony and other papers set forth in the designations of contents of record or the praecipies for transcript. Thereupon the clerk, after payment to him of his fees for any copies furnished, shall certify the record as required by law and the rules of the appellate court, without further comparison, and shall deliver it to the appellant, or his counsel, or forward it to the clerk of the appellate court, if so desired.

#### **RULE 24**

**Effective Date:**

These rules shall apply beginning March 1, 1950.

/s/ ROBERT R. NEVIN,  
Chief Judge, United States District Court,  
Southern District of Ohio,

/s/ MELL G. UNDERWOOD,  
Judge, United States District Court,  
Southern District of Ohio,

/s/ JOHN H. DRUFFEL,  
Judge, United States District Court,  
Southern District of Ohio.

**ORDER**

**In the Matter of: Voir Dire Examination  
of Petit Jurors:**

IT IS ORDERED that during each term of Court, the clerk shall cause a form captioned "Questionnaire As To Qualification For Jury Service" to be completed by all citizens summoned for petit jury service pursuant to 28 U.S.C. 1867.

The form so completed by individuals to be called as prospective jurors in a case set for trial shall be made available upon request to the attorneys of record therein in the office of the clerk during the five (5) days period preceding such trial date, and on voir dire examination inquiry of counsel shall not seek to re-elicite information appearing on said form.

**JOHN W. PECK**  
District Judge

# Bankruptcy Rules

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## BR-1 DEFINITIONS:

The words: "Judge", "Court", and "Referee", as used in these rules shall have the meaning ascribed to them in Section 1 of the Bankruptcy Act.

## BR-2 PLEADINGS AND FORMS:

### a. Form:

All petitions, schedules, pleadings and motions filed in any bankruptcy proceeding shall be submitted upon legal cap size paper, without folding, for flat filing. Every petition, schedule, summary, and statement of affairs, shall be filed upon official approved forms, or in form of, and supplying all the information required by such official forms. All pleadings, petitions, schedules, statements of affairs, and motions, shall be typewritten, and without interlineation.

### b. Affidavit; Signature:

Every petition, schedule, summary, and statement of affairs, shall be signed by the petitioner and supported by the petitioner's affidavit.

### c. Signature of Counsel:

Every pleading filed in a bankruptcy proceeding shall be signed by the attorney representing the party upon whose behalf the pleading is filed, and the name and address of such attorney shall be either typewritten or printed upon said pleading or on the cover thereof.

If a party be without counsel, then the pleading shall be signed by the party and his name and address shall be either typewritten or printed upon such pleading, or the cover thereof.

**BR-3 PUBLICATION:**

When a petition is filed by or against a bankrupt who resides in a county, and the major part of whose property is located within a county where there is no designated newspaper, or wherein the designated newspaper for any reason refuses to publish such notice, then the notices required by law may be published in such designated newspaper of general circulation within the county of the bankrupt's residence, as the Referee in charge of the case may determine.

**BR-4 CHECKS OF TRUSTEES AND RECEIVERS:**

All checks drawn by trustees and receivers in their official capacity, against their official accounts and required to be countersigned by the General Orders in Bankruptcy, shall be countersigned by the Referee in charge of the case.

**BR-5 STAYS AND INJUNCTIONS:**

When in any bankruptcy case, an application is made for a stay order or injunction which the Referee has power to grant, such application shall be filed with, and heard and determined by the Referee, unless otherwise ordered by the Judge. If application be made for a stay order or injunction which the Referee is without power to grant, the application shall be made directly to the Judge, and the person making such application shall at the same time file with the Referee in charge of the case a copy of such application. Applications beyond the power of the Referee, shall be heard and determined by the Judge, unless the Judge shall order the Referee to conduct the hearing and report thereon. Upon final action by the Judge in any such case, a copy of his order shall forthwith be filed by the prevailing party with the Referee in charge of the case.

**BR-6 HEARING ON CERTIFICATES IN REVIEW:**

When a certificate in review has been issued by a Referee, the matter shall be placed on the regular motion docket of the Court to be heard with other motions, unless the Judge shall otherwise direct.

**BR-7 WHEN NO TRUSTEE APPOINTED:**

If neither the schedules nor the examination of a voluntary bankrupt disclose any assets to be reached for the benefit of general creditors, and no request is made for the appointment of a trustee or such appointment is waived by the creditors present, appointment of a trustee may be dispensed with by the Referee.

**BR-7½ WHEN A TRUSTEE HAS BEEN APPOINTED:**

When a trustee has been appointed he shall act in accord with and be governed by the provisions of Section 47 of the Chandler Act.

**BR-8 ATTORNEYS FOR RECEIVERS AND TRUSTEES:****a. Authority:**

No trustee or receiver shall employ any attorney in his official capacity without prior approval of the Court.

**b. Limitations on Selection:**

Trustees and receivers shall not employ as their attorney the attorney of the bankrupt; nor shall a trustee employ as his attorney, any person who has obtained proxies empowering him to vote upon the election of a trustee, whether or not such proxies are voted by the attorney securing them.

**BR-9 ADJUDICATION:****a. Voluntary Cases:**

The Clerk of this Court is authorized and directed to enter orders of adjudication and reference, as a matter of course in all voluntary bankruptcy cases at the time the petition is filed.

**b. Involuntary Cases — No Answer Filed:**

In involuntary cases wherein no answer is filed within the time allowed, the Clerk is authorized and directed to enter orders of adjudication as a matter of course, on the next day after expiration of the time within which an answering pleading could have been filed.

**c. Involuntary Cases — Answer Filed:**

In involuntary cases wherein answer is filed, the Clerk shall hold them for the attention of the Judge, if a demand for jury is filed. If no demand for a jury is made within time, the Clerk shall forthwith refer such cases to the Referee for hearing and determination.

**BR-10 INDEMNITY:****a. In Pauper Cases:**

The petition in a voluntary proceeding under Chapter I to VII or Chapter XIII of the Act may be accepted for filing by the Clerk if accompanied by a verified petition of the bankrupt or debtor stating that the petitioner is without and cannot obtain the money with which to pay the filing fees in full at the time of filing. Such petition shall state the facts showing the necessity for the payment of the filing fees in installments and shall set forth the terms upon which the petitioner proposes to pay the filing fees.

**a-1**

The Referee to whom a case filed in forma pauperis is referred, shall be authorized to, and may, before

proceeding with the case, require that the bankrupt deposit with the Clerk of this Court, the sum of \$10.00 by way of indemnity for expenses to be incurred. Such deposit shall be credited to the Referee's Expense Fund or as otherwise required by law.

**b. Objection to Discharge — Reporter's Compensation:**

The Referee may require a deposit to be made at the time of filing specifications in objection to discharge for the purpose of securing payment of expense of perpetuating testimony, which deposit shall be in addition to the fee now required by law for filing specifications in objection to discharge.

**c. Perpetuating Testimony, Generally:**

These rules shall not be considered as limiting the right of the Referee to incur necessary expenses in perpetuating testimony, and the Referee may require a deposit to be made for such expense.

**c-1**

Before incurring any expense in procuring the attendance of witnesses or in perpetuating testimony, the clerk, marshal or referee may require from the bankrupt, debtor, or other person in whose behalf the duty is to be performed, indemnity for such expense. Money advanced for this purpose by the bankrupt, debtor, or other person shall be repaid him out of the estate as part of the cost of administering the same.

**BR-11 COSTS AND CHARGES — PAYMENT:**

All costs and charges payable in bankruptcy cases to either the Clerk or the Referee, shall be paid to the Clerk, to be by him deposited as required by law. No such costs or charges shall be paid to the Referee.

**BR-12 APPOINTMENT OF RECEIVERS AND CUSTODIANS:****a. Applications therefor:**

Unless otherwise ordered by the Judge, applications for receivers and custodians shall be made to the Referee in charge of the case, and he shall hear and determine the same.

**b. Capacity of Service:**

Receivers shall be deemed mere custodians within the meaning of Section 48 of the Bankruptcy Act, as amended, and compensated as such, unless their duties shall be enlarged by order of the Court, upon good cause shown, either at the time of appointment or later

**BR-13 EMPLOYMENT OF AUCTIONEERS:****a. Employment:**

A receiver or trustee may, upon presentation of a petition reciting the necessity therefor, and a proposed order thereon, be authorized by the Judge or Referee to employ an auctioneer. Likewise, upon the motion of any interested party, or upon his own motion, if the best interests of the estate require it, the Referee may enter an order reciting the necessity therefor, and requiring the receiver or trustee to employ an auctioneer.

**b. Record of Sales:**

Each auctioneer shall forthwith turn over to the receiver or trustee, for deposit, the proceeds of all sales conducted by him. He shall keep a record of each and every sale conducted by him, showing whether public or private, the name of the bankrupt estate, the name of the receiver or trustee, the place and date of sale, a description of the amount and kind of advertising done, the arrangement of the property in lots or parcels, a detailed account of the highest bids and bidders, both in bulk and by parcels, the costs of conducting the sale by items, and such other information as the Referee may

require. Such record shall be made in duplicate, one copy to be retained by the auctioneer and the other to be filed in the office of the Referee. No compensation shall be allowed to the auctioneer in any case until such copy of said record is filed.

**c. Compensation:**

The rate of compensation of auctioneers shall be fixed in the order of the Referee appointing them, as provided in General Order 45.

**d. Sharing of Compensation:**

The sharing of compensation by auctioneers with any other person, unless made a matter of record and approved by the Court, is prohibited, and in the event of the violation of this rule, the offending auctioneer shall be deprived of all compensation in the case and removed from office.

**e. Allowances:**

Each auctioneer shall file with the Referee, as a basis for the allowance of compensation and expenses, a detailed statement under oath, showing separately the amount of commission or compensation claimed, and the items of expense incurred. No payments shall be made to the auctioneer until such statement has been filed.

**BR-14 EFFECTIVE DATE:**

These rules shall apply beginning March 1, 1950.

/s/ ROBERT R. NEVIN,  
Chief Judge, United States District Court,  
Southern District of Ohio.

/s/ MELL G. UNDERWOOD,  
Judge, United States District Court,  
Southern District of Ohio.

/s/ JOHN H. DRUFFEL,  
Judge, United States District Court,  
Southern District of Ohio.

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